

BY FILING WITH THE AGENCY FROM WHICH THE APPEAL IS TAKEN AND WITH THE BOARD, A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE AGENCY FROM WHICH THE APPEAL IS TAKEN SHALL FORTHWITH TRANSMIT TO THE BOARD ALL THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM WAS TAKEN. THE AGENCY SHALL ALSO TRANSMIT A COPY OF THE DECISION TO THE ADMINISTRATION WHICH SHALL HAVE THE OPPORTUNITY TO COMMENT PRIOR TO ANY HEARING.

(3) AN APPEAL SHALL STAY ALL PROCEEDING IN FURTHERANCE OF THE ACTION APPEALED FROM, UNLESS THE AGENCY FROM WHICH THE APPEAL IS TAKEN CERTIFIES TO THE BOARD, AFTER THE NOTICE OF APPEAL HAS BEEN FILED WITH IT, THAT BY REASON OF THE FACTS STATED IN THE CERTIFICATE A STAY WOULD, IN ITS OPINION, CAUSE IMMINENT PERIL TO LIFE OR PROPERTY. IN SUCH CASE PROCEEDINGS SHALL NOT BE STAYED OTHERWISE THAN BY A RESTRAINING ORDER WHICH MAY BE GRANTED BY THE BOARD OR BY A COURT OF RECORD ON APPLICATION, ON NOTICE TO THE AGENCY FROM WHICH THE APPEAL IS TAKEN AND ON DUE CAUSE SHOWN.

(4) THE BOARD SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPEAL, GIVE PUBLIC NOTICE THEREOF AND DUE NOTICE TO THE PARTIES IN INTEREST, AND DECIDE THE SAME WITHIN A REASONABLE TIME. UPON THE HEARING ANY PARTY MAY APPEAR IN PERSON OR BY AGENT OR BY ATTORNEY.

(5) THE BOARD MAY, IN CONFORMITY WITH THE PROVISIONS OF THIS SECTION, REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MODIFY THE ORDER, REQUIREMENT, DECISION, OR DETERMINATION APPEALED FROM AND MAY MAKE SUCH ORDER, REQUIREMENT, DECISION, OR DETERMINATION AS OUGHT TO BE MADE, AND TO THAT END SHALL HAVE ALL THE POWERS OF THE ADMINISTRATIVE AGENCY FROM WHICH THE APPEAL IS TAKEN.

(6) THE CONCURRING VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD SHALL BE SUFFICIENT TO REVERSE ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF THE ADMINISTRATIVE AGENCY, OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO PASS IN THIS SUBTITLE, UNDER ANY ORDINANCE OR UNDER OTHER LEGISLATION OR TO EFFECT ANY VARIATION FROM THE PROVISIONS OF ANY ORDINANCE OR OTHER LEGISLATION.

(F) (1) RIGHT OF APPEAL. ANY PERSON OR PERSONS, JOINTLY OR SEVERALLY, AGGRIEVED BY ANY DECISION OF THE BOARD OF APPEALS, OR ANY TAXPAYER, OR ANY OFFICER, DEPARTMENT, BOARD, OR BUREAU OF THE POLITICAL SUBDIVISION, OR THE ADMINISTRATION MAY APPEAL THEREFROM.

(2) TAKING EVIDENCE; REPORT OF COMMISSIONER. IF, UPON THE HEARING, IT SHALL APPEAR TO THE COURT THAT TESTIMONY IS NECESSARY FOR THE PROPER DISPOSITION OF THE MATTER, IT MAY TAKE EVIDENCE OR APPOINT A COMMISSIONER TO